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## SUBCHAPTER 1

### GENERAL PROVISIONS

§19-134-1 Purpose. The purpose of this chapter is to establish:

- (1) Performance, construction, and equipment requirements necessary for the safe operation of reconstructed vehicles upon the public highways;
  - (2) Minimum procedures for the inspection of reconstructed vehicles and, upon approval, the issuance of permits to operate reconstructed vehicles upon the public highways; and
  - (3) The fees an inspector may charge for the inspection of a reconstructed vehicle.
- [Eff JUL 24 1986 ] (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Bumper" means a horizontal load bearing protective system installed on a motor vehicle which is constructed of sturdy materials that will not shatter or split upon moderate impact and provide adequate protection against damage to the front and rear external lighting and reflective devices, hood, trunk, doors, painted surfaces, cooling system, exhaust system, and other components during a low speed impact.

"Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons.

"County department" means the county department designated by the county chief executive officer as having the responsibility for the inspection, certification, issuance of permits and stickers for reconstructed

vehicles, and for providing appropriate notice as required to the county vehicle registration authority.

"Director" means the director of the state department of transportation.

"Frame or frame chassis" means the basic structural supporting assembly of a vehicle including unit body structures.

"Modified vehicle kit" means a package of components, other than original equipment or original equipment replacements, which when assembled becomes the major body assembly, or the major structural assembly, or both, used to construct or reconstruct a complete and operable vehicle.

"Modified vehicle manufacturer" means every person who manufactures or assembles two or more reconstructed vehicles having substantially the same design, construction, and equipment characteristics, and offers these vehicles for sale.

"Modified vehicle kit manufacturer" means every person who manufactures, distributes, offers for sale, or sells, a modified vehicle kit.

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excludes farm tractor as defined in section 286-2, HRS, and a moped as defined in section 286-2, HRS.

"Offset wheel" means a wheel with the mounting flange surface located to one side of the wheel centerline.

"Passenger car" means every motor vehicle, except motorcycles and motor scooters, designed for carrying ten passengers or less and used for the transportation of persons.

"Recognized manufacturer of vehicles" means every person who is engaged in the business of assembling new components into a complete and operable vehicle intended for use on the public highways and offers the vehicle for distribution and sale in the United States and is registered as a vehicle manufacturer with the United States Department of Transportation.

"Reconstructed vehicle" means a vehicle registered to be operated on a public highway which:

- (1) Is assembled from new or used parts by a person other than a recognized manufacturer of vehicles; or
- (2) Is modified to the extent that the identity of its make, model, or type is obscured by material changes in its appearance; or
- (3) Is modified by the removal, addition, alteration, or substitution of other than original replacement

essential parts, including but not limited to its body, power train, steering system, suspension system, exhaust system, intake system, or bumper system; excluding ordinary body repair which does not change the exterior structure of the vehicle.

"Rim" means a metal support for a tire or a tire and tube assembly upon which the tire beads are seated.

"Tire" means the rubber casing and tread assembly, with or without a tube, that is mounted on a rim to provide pneumatically cushioned contact and traction with the road.

"Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, but excludes mopeds and devices moved by human power or used exclusively upon stationary rails or tracks.

"Wheel" means a disk or series of spokes with a rim around the outside circumference for mounting the tire and a hub at the center which turns with or revolves around an axle.

"Wheel track" means the width of the track as measured from the center to center of the tires on the same axle.

[Eff JUL 24 1988 ] (Auth: HRS §286-85) (Imp: HRS §286-85)

S19-134-3 Abbreviations and Acronyms. The abbreviations and acronyms used in this chapter shall be as follows:

- "ANS" - American National Standards.  
Standards of the American National Standards Institute.
- "ANSI" - American National Standards Institute,  
1430 Broadway, New York, NY 10018.
- "CFR" - Code of Federal Regulations.
- "FMVSS" - Federal Motor Vehicle Safety Standards,  
Title 49, Part 571, Code of Federal Regulations.
- "HRS" - Hawaii Revised Statutes.
- "NSRA" - National Street Rod Association, 4030  
Park Avenue, Memphis, Tennessee 38111.
- "OEM" - Original Equipment Manufacturer.  
A part or component of the vehicle which is identical to the part or component on the original vehicle and is supplied by the recognized manufacturer of the original vehicle.

- "OER" - Original Equipment Replacement. A vehicle part or component which performs the identical function as the part or component of the original vehicle but is supplied by a manufacturer other than the recognized manufacturer of the original vehicle.
- "OREP" - Original Replacement Essential Part means any part or component of a vehicle which is:

- (1) Identical in fact or in performance to any part or component offered as an option for that vehicle by the original manufacturer of the vehicle when new;
- (2) Essential for the safe operation of the vehicle; and
- (3) Purchasable through auto parts store dealerships or dealerships of the original vehicle manufacturer.

Examples include, but are not limited to, parts and components of a vehicle's engine, transmission, differential, steering system, suspension system, exhaust system, intake system, body parts, or lamps and reflectors. A part or component not offered as an option for a vehicle by the original manufacturer of that vehicle, which may alter the performance of a vehicle or may inherently affect adversely the safety or structural integrity of a vehicle, its occupants, or surrounding vehicles or individuals, unless specifically excepted in these rules, shall not be an original replacement essential part.

- "SAE" - Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. The publisher of SAE Standards and Recommended Practices.

- "SEMA" - Specialty Equipment Market Association, 11540 E. Slauson Avenue, Whittier, California 90606.

- "SFI" - SFI Foundation, Inc., 22930 Crenshaw Boulevard, Suite "G", Torrance, California 90505. [Eff. JUL 24 1988]  
(Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-4 Applicability. (a) This chapter applies to all vehicles operated upon the public streets and highways except:

- (1) Motor carrier vehicles subject to chapter 286, part XI, Hawaii Revised Statutes;
- (2) Vehicles restored to the structural and equipment condition as originally manufactured by a recognized manufacturer of vehicles;
- (3) Vehicles in which worn or damaged original structural members or parts are replaced with items which are substantially the equivalent of the original structural member or part;
- (4) Vehicles in which worn or damaged original structural members or parts are repaired to a condition which is substantially equivalent to the original condition of the structural member or part;
- (5) Vehicles which are modified only by the installation of special controls for the use of handicapped drivers, where the installation of those controls does not prevent the normal use of the standard controls provided in the original vehicle by the recognized manufacturer of the vehicle when new;
- (6) Vehicles which are modified only by the addition of a dual control capability for the purpose of instructing drivers;
- (7) New vehicles which are completed or modified by recognized manufacturers of vehicles other than the original manufacturer when those vehicles are certified and labelled in accordance with applicable federal regulations; and
- (8) Cab and chassis with specially mounted rear custom made bodies designed for a special purpose which meets all FMVSS and complies with other state safety rules and county safety ordinances as long as the cab and chassis have not themselves been altered.

(b) A vehicle shall be considered to be a reconstructed vehicle subject to this chapter if any of the conditions in subsections (c) to (n) are met.

(c) Engine.

- (1) The original engine installed by the recognized manufacturer of the vehicle when new is relocated in the vehicle or is replaced with an engine that is not an OREP engine;
- (2) An OREP engine that can be installed with OEM mounts will not cause the vehicle to be subject to this chapter.

- (d) Combustion engine fuel system.
  - (1) The carburetor, fuel injection system, air intake system, intake manifolds, or fuel tank of the original system installed by the recognized manufacturer of the vehicle when new are replaced with other than OREP components;
  - (2) The mere installation of an aftermarket supercharger or turbocharger, carburetor, intake manifold, water injection and air cleaner cataloged or otherwise designated as a street application shall not be subject to this chapter; however, the vehicle shall be capable of meeting all other criteria established in this chapter;
  - (3) The conversion of a gasoline fuel system to a propane or liquefied petroleum gas (LPG) fuel system or dual-fuel system shall not cause the vehicle to be subject to this chapter.
- (e) Transmission.
  - (1) The original transmission installed by the recognized manufacturer of the vehicle when new is relocated in the vehicle or is replaced with a transmission that is not OREP equipment;
  - (2) Merely changing the location or type of the transmission control mechanism shall not cause the vehicle to be subject to this chapter.
- (f) Rims.
  - (1) The original rims installed by the recognized manufacturer of the vehicle when new are reverse mounted or are replaced with other than OREP rims of a different size (plus or minus one inch rim diameter or plus or minus two inches rim width) or configuration (offset or reverse type);
  - (2) Merely installing special rims offered as an option by the recognized manufacturer of the vehicle when new, or merely installing special rims of the same size (plus or minus one inch rim diameter, or, plus or minus two inches rim width) which meet or exceed the SFI requirements, shall not cause the vehicle to be subject to this chapter.
- (g) Suspension system.
  - (1) The original suspension system components (springs, torsion bars, shock absorbers, sway bars, etc.) installed by the recognized manufacturer of the vehicle when new are:
    - (A) Replaced with other than OREP components; or
    - (B) Adjusted, or equipped with added components, to change the height of the vehicle frame,

- as measured from the axle to frame, from that specified by the recognized manufacturer of the vehicle when new;
- (2) Installing helper or overload springs to the vehicle suspension, simply to increase the vehicle load bearing capacity, shall not cause the vehicle to be subject to this chapter, even if it raises the vehicle slightly;
- (3) Installation of a single spacer block to the front suspension of a vehicle with the capability to deliver motive power to more than one axle, specifically for the purpose of leveling the front of an OEM vehicle with its rear, shall not cause the vehicle to be subject to this chapter;
- (4) The conversion of a two-wheel drive vehicle to a four-wheel drive shall not cause the vehicle to be subject to this chapter so long as there is a four-wheel drive version of that make and model of vehicle and the converted vehicle does not exceed the manufacturers' specification set forth for the four-wheel drive version of the vehicle.
- (h) Vehicle Body.
  - (1) The original vehicle body installed by the recognized manufacturer of the vehicle when new is:
    - (A) Replaced with a body that is other than an OEM body;
    - (B) Modified by replacing the hood, fenders, doors, or other body assemblies with other than OREP components;
    - (C) Modified by the removal of significant portions of the hood, fenders, doors, or other body assemblies;
    - (D) Modified by changing the size of the windshield, or by changing the size of any window or window opening;
    - (E) Modified by changing the location of the driver's seating position within the vehicle which requires modification of the vehicle's floor pan; or
    - (F) Modified by additions to the hood, fenders, doors, or other body assemblies which significantly change the appearance or function of the body component;
  - (2) The following modifications to the vehicle body, singly or in any combination, shall not cause the vehicle to be subject to this chapter:
    - (A) The removal or addition of decorative or protective items of trim;

- (B) The removal or change of the front grille assembly;
  - (C) The removal or addition of car top or side carriers, pipe racks, plate glass racks and slide-in campers;
  - (D) The removal or addition of rollbars or grille guard assemblies;
  - (E) The removal or addition of front or rear bicycle carriers, motorcycle carriers, spare tire carriers;
  - (F) The filling and smoothing of body seams and small openings used for the attachment of trim, locks, etc.;
  - (G) The addition of small openings, such as hood louvers, roof openings, or bubble windows, which do not significantly change the overall contour of the body component;
  - (H) Aesthetic hoodscoops (non-operational) or hood protuberances which do not obstruct the driver's view of the roadway;
  - (I) The addition or removal of any radio antenna;
  - (J) The addition of any lamp or reflective device;
  - (K) The addition of any item or component, not otherwise specified in this chapter, that is located entirely within the body shell;
  - (L) The addition or removal of motorcycle windshields or fairings; or
  - (M) The addition, to the cargo box of a truck, employee carrying seats or overhead canopy or both if the addition meets county safety ordinance.
- (i) Vehicle frame.
    - (1) The original vehicle frame, or any chassis structural assembly used as a frame, installed by the recognized manufacturer of the vehicle when new is changed or modified in any manner;
    - (2) Merely installing attachment devices, such as trailer hitch assemblies or supports for auxiliary equipment, shall not cause the vehicle to be subject to this chapter.
  - (j) Axles. An original axle, or assembly which functions as an axle, installed by the recognized manufacturer of the vehicle when new is:
    - (1) Replaced with other than an OREP axle;
    - (2) Relocated to a different position with respect to the vehicle frame; or
    - (3) Modified to a different configuration or dimension.



- (k) Steering system.
  - (1) Any original steering system component installed by the recognized manufacturer of the vehicle when new is:
    - (A) Replaced with other than an OREP component; or
    - (B) Modified or relocated in any manner;
  - (2) Merely replacing the steering wheel with a "custom" type steering wheel of the same diameter and impact absorbing characteristics shall not cause the vehicle to be subject to this chapter.
- (l) Exhaust system. The modification or replacement of exhaust system components such as the installation of headers shall not cause the vehicle to be subject to this chapter; however, any vehicle that is otherwise subject to this chapter shall be provided with an exhaust system which meets the criteria established in this chapter.
- (m) Exterior lamps and reflectors.
  - (1) The original head lamps, tail lamps, marker lamps, signal lamps, or exterior reflectors installed by the recognized manufacturer of the vehicle when new are:
    - (A) Replaced with other than OREP components; or
    - (B) Relocated in a manner that significantly changes the appearance of the vehicle;
  - (2) The replacement of exterior lamps or reflectors with OREP components, or the installation of supplemental lamps or reflectors shall not cause the vehicle to be subject to this chapter; however, any vehicle that is otherwise subject to this chapter shall be provided with exterior lamps and reflectors which meet the criteria established in this chapter.
- (n) Brakes. Any original service brake system or parking brake system component installed by the recognized manufacturer of the vehicle when new is:
  - (1) Replaced with other than OREP components;
  - (2) Modified in any manner except for the installation of OEM or OREP manufactured for that vehicle; or
  - (3) Relocated in any manner.
- (o) This chapter shall apply in the following manner to those reconstructed vehicles for which a valid reconstructed vehicle permit has been issued in the name of the current registered owner or subsequent owner by an authorized county department prior to the effective date of this chapter:

- (1) The reconstructed vehicle permit previously issued shall remain in effect for a period of one year after the effective date of this chapter provided that no additional alterations or modifications have been made to the vehicle subsequent to the issuance of the permit by the county department.
- (2) For a period of one year after the effective date of this chapter the designated county department, with respect to permits previously issued within the county of its jurisdiction, shall issue a new valid permit and sticker, and record the transaction as required by this chapter without charge and regardless of conformity with the equipment and performance requirements of this chapter; provided that no additional alterations or modifications have been made to the vehicle subsequent to the issuance of the previous permit.
- (3) One year after the effective date of this chapter, all reconstructed vehicle permits issued before the effective date of this chapter under any county ordinances shall be invalid.  
[Eff JUL 24 1986 ] (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-5 Specific requirements. (a) A reconstructed vehicle shall not be operated on the public highways without a valid reconstructed vehicle permit.

(b) A reconstructed vehicle shall not continue to be operated on the public highways without reinspection, approval and issuance of a new reconstructed vehicle permit whenever:

- (1) An additional alteration or modification, which alone would require approval as a reconstructed vehicle, is performed on the vehicle;
- (2) Previously approved alterations or modifications are changed to the extent that the basic identifiable characteristics of the previously approved alteration or modification cannot be determined; or
- (3) A previously issued reconstructed vehicle permit has been cancelled by the county department.

(c) Replacement of previously approved equipment items or components with items or components which are substantially equivalent in design, mode of operation and appearance shall not require reinspection and approval.

(d) The director may waive any requirement of this chapter when it is determined that the waiver will not

subject any person to a greater degree of hazard than that usually encountered in the operation of a vehicle. [Eff JUL 24 1988 ] (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-6 Administration. (a) Each county, through its chief executive officer, as required by section 286-85, Hawaii Revised Statutes, shall designate a county department to administer this chapter.

(b) The designated county department shall be responsible for:

- (1) The appointment of reconstructed vehicle inspectors;
- (2) The designation of specific locations where reconstructed vehicle inspections shall be conducted;
- (3) Providing all instructions, forms, stickers and any other material necessary to administer this chapter;
- (4) Insuring that reconstructed vehicle inspections are available to applicants at reasonable times and with reasonable frequency;
- (5) Insuring that reconstructed vehicle inspections and certifications are conducted in accordance with this chapter; and
- (6) Notifying the county treasurer of all reconstructed vehicles that have been inspected, approved, and issued reconstructed vehicle permits. [Eff JUL 24 1988 ] (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-7 Determination of reconstructed vehicle date of manufacture. (a) Certain federal regulations, incorporated by reference, apply only to vehicles manufactured on or after dates as specified in the federal regulations. Title 49, Chapter V, parts 566, 567, 568, 571, and 581 of the Code of Federal Regulations, as it existed on October 1, 1982, is made a part of this chapter. Except as otherwise indicated in this chapter, the referenced federal regulations shall apply to reconstructed vehicles with a date of manufacture on or after the effective date of the referenced federal regulations. For the purpose of this chapter the date of manufacture of a reconstructed vehicle shall be determined as provided in subsections (b) to (e).

(b) For those reconstructed vehicles that retain the basic chassis frame and at least that forward portion of

the body that contained the windshield, the driver's controls and the driver's seat of the original vehicle, or, for those reconstructed vehicles that retain the basic unit body of the original vehicle, if so constructed, the date of manufacture of the reconstructed vehicle shall be the first day of January of the earliest year that can be determined by applying any of the following criteria:

- (1) The model year of the vehicle, as specified by the recognized manufacturer of vehicles who manufactured the original vehicle, plus one year;
- (2) The year of manufacture of the original vehicle, as specified by the recognized manufacturer of vehicles who manufactured the original vehicle, plus one year;
- (3) The model year of the vehicle as shown on the vehicle registration certificate for the original vehicle; or
- (4) The "date first sold" shown on the registration certificate for the original vehicle.

(c) For those reconstructed vehicles that are constructed with a chassis frame from one original vehicle and a body from another original vehicle; the date of manufacture of the reconstructed vehicle shall be the first day of January of the earliest year that can be determined by applying any of the following criteria:

- (1) The model year of the original vehicle from which the chassis frame was obtained, as specified by the recognized manufacturer who manufactured the original vehicle, plus one year;
- (2) The year of manufacture of the original vehicle from which the chassis frame was obtained, as specified by the recognized manufacturer of vehicles who manufactured the original vehicle, plus one year;
- (3) The model year shown on the vehicle registration certificate for the original vehicle from which the chassis frame was obtained; or
- (4) The "date first sold" shown on the vehicle registration certificate for the original vehicle from which the chassis frame was obtained.

(d) For those reconstructed vehicles that incorporate a modified vehicle body or structural kit, the date of manufacture of the reconstructed vehicle shall be the date of sale of the kit as specified on the original invoice by the manufacturer or authorized representative of the manufacturer.

(e) For all reconstructed vehicles that cannot be identified in the manner specified in subsections (b) to (d), including those vehicles constructed from various

combinations of new and used parts, the date of manufacture of the reconstructed vehicle shall be the earliest date determined by applying either of the following criteria:

- (1) The date that the plans and specifications for the reconstructed vehicle are submitted to the director for approval; or
- (2) The date that the reconstructed vehicle was first presented for inspection as a reconstructed vehicle under this chapter. [Eff JUL 24 1986 ]  
(Auth: HRS §286-85) (Imp: HRS §286-85)

## SUBCHAPTER 2

### RECONSTRUCTED VEHICLE INSPECTORS AND RECONSTRUCTED VEHICLE INSPECTION STATIONS

§19-134-11 General. The county department may use either or both of the following procedures to accomplish the inspection and certification of reconstructed vehicles:

- (1) Provide county employees and facilities; or
- (2) Appoint reconstructed vehicle inspectors and designate reconstructed vehicle inspection facilities from the automotive repair and servicing industry. [Eff JUL 24 1986 ] (Auth: HRS §286-85) (Imp: HRS §286-85)

§19-134-12 Requirements for county inspection personnel and facilities. (a) County employees assigned as reconstructed vehicle inspectors shall meet the following requirements:

- (1) Be a high school graduate or have an equivalent education level certificate;
- (2) Have at least one year of employment experience in automotive repair or a related technical field (one year of experience in vehicle safety inspection activities or the supervision of vehicle safety inspection activities, may be substituted for this requirement); and
- (3) Be thoroughly conversant with this chapter and the federal regulations and standards which are incorporated by reference in this chapter.

(b) County inspection facilities shall be adequate to permit the inspection of all reconstructed vehicle equipment and components as required by this chapter.  
[Eff JUL 24 1986 ] (Auth: HRS §286-85) (Imp: HRS §286-85)